

“California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon”; and

(C) in subsection (c), in the first sentence—  
(i) by striking “California and its political subdivisions” and inserting “California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon”; and

(ii) by striking “State and its political subdivisions” and inserting “State of California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon”.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—

(A) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild anadromous fish and prehistoric, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking “scenic” and inserting “wild”; and

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking “The 13-mile” and inserting the following:

“(A) IN GENERAL.—The 13-mile”; and

(iv) by adding at the end the following:

“(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 13.26-mile segment of Baldface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R. 10 W., T. 40 S., R. 10 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

“(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Baldface Creek, as a wild river.

“(iii) The 4.38-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Baldface Creek, as a wild river.

“(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Baldface Creek, as a wild river.

“(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Baldface Creek, flowing south from sec. 19, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Baldface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(vii) The 3.6-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Baldface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(viii) The 1.57-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Baldface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Baldface Creek, flowing north from sec. 13, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

“(xi) The 2.38-mile segment from the headwaters of Packsaddle Gulch to the con-

fluence with North Fork Smith River, as a wild river.

“(xii) The 2.4-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

“(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

“(xv) The 2.61-mile segment of Fall Creek from the Oregon State border to the confluence with North Fork Smith River, as a wild river.

“(xvi)(I) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

“(II) Notwithstanding subclause (I), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

“(xvii) The 1.02-mile segment from the headwaters of Diamond Creek to the Oregon State border in sec. 14, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

“(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

“(xx) The 2.98-mile segment from the headwaters of Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.82 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxi) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxii) The 1.27-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing north from sec. 18, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(xxiii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness in sec. 36, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxiv) The 0.6-mile segment from the headwaters of Wimer Creek to the border between the States of Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.”.

(2) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (11) and inserting the following:

“(11) SMITH RIVER, CALIFORNIA AND OREGON.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

“(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a recreational river.

“(B) ROWDY CREEK.—

“(i) UPPER.—The segment from and including the headwaters to the California-Oregon State line, as a wild river.

“(ii) LOWER.—The segment from the California-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.”.

**SA 4226.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 10 . . . SUTTON MOUNTAIN AND PAINTED HILLS AREA WILDFIRE RESILIENCY PRESERVATION AND ECONOMIC ENHANCEMENT.**

(a) DEFINITIONS.—In this section:

(1) ACTIVE HABITAT RESTORATION.—The term “active habitat restoration” means, with respect to an area, to restore and enhance the ecological health of the area through the use of management tools consistent with this section.

(2) CITY.—The term “City” means the city of Mitchell, Oregon.

(3) COUNTY.—The term “County” means Wheeler County, Oregon.

(4) ECOLOGICAL HEALTH.—The term “ecological health” means the ability of the ecological processes of a native ecosystem to function in a manner that maintains the structure, composition, activity, and resilience of the ecosystem over time, including an ecologically appropriate diversity of plant and animal communities, habitats, and conditions that are sustainable through successional processes.

(5) LANDOWNER.—The term “landowner” means an owner of non-Federal land that enters into a land exchange with the Secretary under subsection (c)(1).

(6) LOWER UNIT.—The term “Lower Unit” means the area that consists of the approximately 27,184 acres of land generally depicted as “Proposed National Monument-Lower Unit” on the Map.

(7) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Monument developed by the Secretary under subsection (b)(4)(B).

(8) MAP.—The term “Map” means the map prepared by the Bureau of Land Management entitled “Sutton Complex-Painted Hills National Monument Proposal” and dated October 27, 2021.

(9) MONUMENT.—The term “Monument” means the Sutton Mountain National Monument established by subsection (b)(1).

(10) PASSIVE HABITAT MANAGEMENT.—The term “passive habitat management” means those actions that are proposed or implemented to address degraded or non-functioning resource conditions that are expected to improve the ecological health of the area without additional on-the-ground actions, such that resource objectives and desired outcomes are anticipated to be reached without additional human intervention.

(11) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(12) STATE.—The term “State” means the State of Oregon.

(13) UPPER UNIT.—The term “Upper Unit” means the area that consists of the approximately 38,023 acres of land generally depicted as “Proposed National Monument-Upper Unit” on the Map.

(b) ESTABLISHMENT OF SUTTON MOUNTAIN NATIONAL MONUMENT.—

(1) IN GENERAL.—There is established in the State the Sutton Mountain National Monument, consisting of the following 2 management units, as generally depicted on the Map:

(A) Upper Unit.

(B) Lower Unit.

(2) PURPOSES.—The purposes of the Monument are—

(A) to increase the wildfire resiliency of Sutton Mountain and the surrounding area; and

(B) to conserve, protect, and enhance the long-term ecological health of Sutton Mountain and the surrounding area for present and future generations.

(3) OBJECTIVES.—To further the purposes of the Monument described in paragraph (2), and consistent with those purposes, the Secretary shall manage the Monument for the benefit of present and future generations—

(A) to support and promote the growth of local communities and economies;

(B) to promote the scientific and educational values of the Monument;

(C) to maintain sustainable grazing on the Federal land within the Upper Unit and Lower Unit, in accordance with applicable Federal law;

(D) to promote recreation, historical, cultural, and other uses that are sustainable, in accordance with applicable Federal law;

(E) to ensure the conservation, protection, restoration, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources;

(F) to reduce the risk of wildfire within the Monument and the surrounding area, including through juniper removal and habitat restoration, as appropriate; and

(G)(i) to allow for active habitat restoration in the Lower Unit; and

(ii) to allow for passive habitat management in the Upper Unit and Lower Unit.

(4) MANAGEMENT AUTHORITIES.—

(A) IN GENERAL.—The Secretary shall manage the Monument—

(i) in accordance with—

(I) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws; and

(II) this section; and

(ii) in a manner that—

(I) improves wildfire resiliency; and

(II) ensures the conservation, protection, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources, North American Indian Tribal and cultural and archaeological resource sites, and additional cultural and historic sites and culturally significant native species.

(B) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term conservation and management of the Monument that fulfills the purposes of the Monument described in paragraph (2).

(ii) REQUIREMENTS.—The management plan developed under clause (i) shall—

(I) describe the appropriate uses and management of each of the Upper Unit and the Lower Unit, consistent with the purposes and objectives of this section;

(II) include an assessment of ecological conditions of the Monument, including an assessment of—

(aa) the status, causes, and rate of juniper encroachments at the Monument; and

(bb) the ecological impacts of the juniper encroachments at the Monument;

(III) identify science-based, short-term and long-term, active habitat restoration and passive habitat management actions—

(aa) to reduce wildfire risk and improve the resilience of native plant communities; and

(bb) to restore historical native vegetation communities, including the prioritization of the removal of invasive annual grasses and juniper trees in the Lower Unit;

(IV) include a habitat restoration opportunities component that prioritizes—

(aa) restoration within the Lower Unit; and

(bb) maintenance of the existing wilderness character of the Upper Unit;

(V) include a riparian conservation and restoration component to support anadromous and other native fish, wildlife, and other riparian resources and values in the monument;

(VI) include a recreational enhancement component that prioritizes—

(aa) new and expanded opportunities for mechanized and nonmechanized recreation in the Lower Unit; and

(bb) enhancing nonmechanized, primitive, and unconfined recreation opportunities in the Upper Unit;

(VII) include an active habitat restoration component that prioritizes, with respect to the Lower Unit—

(aa) the restoration of native ecosystems;

(bb) the enhancement of recreation and grazing activities; and

(cc) activities that will reduce wildfire risk;

(VIII) include a passive habitat management component that prioritizes, with respect to the Upper Unit—

(aa) the restoration of native ecosystems; and

(bb) management activities that will reduce the risk of wildfire;

(IX) determine measurable and achievable management objectives, consistent with the management objectives described in paragraph (3), to ensure the ecological health of the Monument;

(X) develop a monitoring program for the Monument so that progress towards ecological health objectives can be determined;

(XI) include, as an integral part, a comprehensive transportation plan developed in accordance with paragraph (5); and

(XII) include, as an integral part, a wildfire mitigation plan developed in accordance with subparagraph (D).

(C) WILDFIRE RISK ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Governor’s Council on Wildfire Response of the State, shall conduct a wildfire risk assessment of the Upper Unit and the Lower Unit.

(D) WILDFIRE MITIGATION PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date on which the wildfire risk assessment is conducted under subparagraph (C), the Secretary shall develop, based on the wildfire risk assessment, a wildfire mitigation plan as part of the management plan developed under subparagraph (B) that identifies, evaluates, and prioritizes management activities that can be implemented in the Lower Unit to mitigate wildfire risk to

structures and communities located near the Monument.

(ii) PLAN COMPONENTS.—The wildfire mitigation plan developed under clause (i) shall include—

(I) appropriate vegetation management projects (including mechanical treatments to reduce hazardous fuels and improve ecological health and resiliency);

(II) necessary evacuation routes for communities located near the Monument, to be developed in consultation with the State and local fire agencies;

(III) strategies for public dissemination of emergency evacuation plans and routes;

(IV) appropriate passive habitat management activities; and

(V) strategies or management requirements to protect items of value identified at the Monument, consistent with the applicable fire management plan and the document prepared by the National Interagency Fire Center entitled “Interagency Standards for Fire and Fire Aviation Operations” or successor interagency agreement or guidance.

(iii) APPLICABLE LAW.—The wildfire mitigation plan under clause (i) shall be developed in accordance with—

(I) this section; and

(II) any other applicable law.

(E) TEMPORARY ROADS.—

(1) IN GENERAL.—Consistent with the purposes of this section and the comprehensive transportation plan under paragraph (5), the Secretary may travel off-road or establish temporary roads within the Lower Unit to implement the wildfire mitigation plan developed under subparagraph (D).

(ii) EFFECT ON WILDFIRE MANAGEMENT.—Nothing in this subsection affects the authority of the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, to conduct wildland fire operations at the Monument, consistent with the purposes of this section.

(F) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the Monument or adjacent to the Monument that is acquired by the United States shall—

(i) become part of the Monument; and

(ii) be managed in accordance with—

(I) this section; and

(II) applicable Federal laws.

(5) COMPREHENSIVE TRANSPORTATION PLAN.—

(A) IN GENERAL.—The Secretary shall develop as part of the management plan a comprehensive transportation plan for the Monument, which shall address—

(i) motorized, mechanized, and non-motorized use;

(ii) the maintenance and closure of motorized and nonmotorized routes; and

(iii) travel access.

(B) PROHIBITION OF MOTORIZED AND MECHANIZED USE IN THE UPPER UNIT.—Except as provided in subparagraphs (C), (D), and (G), motorized and mechanized use shall be prohibited in the Upper Unit.

(C) PROHIBITION OF OFF-ROAD MOTORIZED TRAVEL.—Except in cases in which motorized or mechanized vehicles are needed for administrative purposes, ecological restoration projects, or to respond to an emergency, the use of motorized or mechanized vehicles in the Monument shall be permitted only on routes designated by the transportation plan developed under subparagraph (A).

(D) PROHIBITION OF NEW CONSTRUCTION.—Except as provided in subparagraph (E), no new motorized routes of any type shall be constructed within the Monument unless the Secretary determines, in consultation with the public, that the motorized route is necessary for public safety in the Upper Unit or Lower Unit.

(E) TEMPORARY MOTORIZED ROUTES IN THE LOWER UNIT.—Notwithstanding subparagraph (D), temporary motorized routes may be developed in the Lower Unit to assist with the removal of juniper.

(F) TRAILS.—Nothing in this paragraph limits the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use in the Upper Unit or Lower Unit.

(G) ACCESS TO INHOLDINGS.—The Secretary shall provide reasonable access to inholdings within the boundaries of the Monument to provide private landowners the reasonable use of the inholdings, in accordance with section 1323(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(b)).

(H) MODIFICATIONS TO EXISTING ROADS.—

(i) IN GENERAL.—Consistent with the purposes of this section, the existing roads described in clause (ii) may be modified or altered within 50 feet on either side of the applicable road, as the Secretary determines to be necessary to support use of motorized or mechanized vehicles for access, utility development, or public safety.

(ii) DESCRIPTION OF ROADS.—The roads referred to in clause (i) are Burnt Ranch Road, Twickenham Road, Girds Creek Road, and the Logging Road, as depicted on the Map.

(iii) RIGHT-OF-WAY.—The Secretary shall grant to the County a right-of-way for maintenance and repair within 50 feet of Twickenham Road and Girds Creek Road.

(6) GRAZING.—

(A) IN GENERAL.—The grazing of livestock in the Monument, if established before the date of enactment of this Act, shall be allowed to continue—

(i) subject to—

(I) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(II) applicable law (including regulations); and

(ii) in a manner consistent with the authorities described in paragraph (4).

(B) VOLUNTARY RELINQUISHMENT OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the voluntary relinquishment of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the Monument.

(ii) TERMINATION.—With respect to each permit or lease voluntarily relinquished under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) PARTIAL RELINQUISHMENT.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease voluntarily relinquishes less than the full level of grazing use authorized under the permit or lease under clause (i), the Secretary shall—

(aa) reduce the authorized grazing level to reflect the voluntary relinquishment; and

(bb) modify the permit or lease to reflect the revised level.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease voluntarily relinquished under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(7) PROHIBITION ON CONSTRUCTION OF NEW FACILITIES.—No new facilities may be constructed in the Monument unless the Secretary determines that the facility—

(A) will be minimal in nature;

(B) is consistent with the purposes of the Monument described in paragraph (2); and

(C) is necessary—

(i) to enhance botanical, fish, wildlife, or watershed conditions;

(ii) to provide for public information, health, or safety;

(iii) for the management of livestock; or

(iv) for the management, but not promotion, of recreation.

(8) RELEASE OF WILDERNESS STUDY AREA.—

(A) FINDING.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), any portion of Federal land designated as a wilderness study area within the Monument as of the date of enactment of this Act has been adequately studied for wilderness designation.

(B) RELEASE.—The land described in subparagraph (A)—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with—

(I) this section; and

(II) applicable land use plans adopted under section 202 of that Act (43 U.S.C. 1712).

(9) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits or easements from any Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(10) WATER RIGHTS AND INFRASTRUCTURE.—Nothing in this subsection—

(A) constitutes an express or implied claim or denial on the part of the Federal Government regarding an exemption from State water laws; or

(B) prohibits access to existing water infrastructure within the boundaries of the Monument.

(11) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

(C) LAND EXCHANGES.—

(i) AUTHORIZATION.—

(A) FAULKNER EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 15 acres of non-Federal land identified on the Map as “Faulkner to BLM”.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 10 acres of Federal land identified on the Map as “BLM to Faulkner”.

(B) QUANT EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in

and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 236 acres of non-Federal land identified on the Map as “Quant to BLM”.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 271 acres of Federal land identified on the Map as “BLM to Quant”.

(C) TWICKENHAM LIVESTOCK LLC EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 574 acres of non-Federal land identified on the Map as “Twickenham to BLM”.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 566 acres of Federal land identified on the Map as “BLM to Twickenham”.

(2) APPLICABLE LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out each land exchange under paragraph (1) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS.—Each land exchange under paragraph (1) shall be subject to such terms and conditions as the Secretary may require.

(4) EQUAL VALUE EXCHANGE.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under paragraph (1)—

(i) shall be equal; or

(ii) shall be made equal in accordance with subparagraph (B).

(B) EQUALIZATION.—

(i) SURPLUS OF FEDERAL LAND.—If the value of Federal land exceeds the value of non-Federal land to be conveyed under a land exchange authorized under paragraph (1), the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(ii) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the non-Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(5) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the landowner shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land to be exchanged under paragraph (1).

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(6) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under

paragraph (1) shall be determined by surveys approved by the Secretary.

(B) COSTS.—The Secretary and the landowner shall divide equally between the Secretary and the landowner—

(i) the costs of any surveys conducted under subparagraph (A); and

(ii) any other administrative costs of carrying out the land exchange under this subsection.

(7) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under paragraph (1) shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(8) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under paragraph (1) be completed by the date that is not later than 2 years after the date of enactment of this Act.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land and any interest in the Federal land included within the Monument is withdrawn from—

(A) entry, appropriation, new rights-of-way, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of—

(i) the mineral leasing and geothermal leasing laws; and

(ii) except as provided in paragraph (2), the minerals materials laws.

(2) ROAD MAINTENANCE.—As the Secretary determines to be consistent with the purposes of this section and the management plan, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in a location identified on the Map as an existing “gravel pit” within the area withdrawn by paragraph (1), if the development was authorized before the date of enactment of this Act.

(e) TREATMENT OF STATE LAND AND MINERAL INTERESTS.—

(1) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State, any land and interests in land owned by the State within the area withdrawn by subsection (d)(1).

(2) ACQUISITION METHODS.—The Secretary shall acquire the State land and interests in land under paragraph (1) in exchange for—

(A) the conveyance of Federal land or Federal mineral interests that are outside the boundaries of the area withdrawn by subsection (d)(1);

(B) a payment to the State; or

(C) a combination of the methods described in subparagraphs (A) and (B).

(f) CONVEYANCES OF BUREAU OF LAND MANAGEMENT LAND TO THE CITY OF MITCHELL, OREGON, AND WHEELER COUNTY, OREGON.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713)—

(A) on the request of the City, the Secretary shall convey to the City, without consideration, the approximately 1,327 acres of Federal land generally depicted on the Map as “City of Mitchell Conveyance”; and

(B) on request of the County, the Secretary shall convey to the County, without consideration, the approximately 159 acres of Federal land generally depicted on the Map as “Wheeler County Conveyance”.

(2) USE OF CONVEYED LAND.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Federal land conveyed under paragraph (1) shall be used for recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the

“Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(B) AFFORDABLE OR SENIOR HOUSING.—Not more than 50 acres of the Federal land conveyed under paragraph (1)(A) may be used for the construction of affordable or senior housing.

(C) ECONOMIC DEVELOPMENT.—Not more than 50 acres of the Federal land conveyed under paragraph (1)(A) may be used to support economic development.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels of land to be conveyed under paragraph (1).

(B) CORRECTIONS OF ERRORS.—The Secretary may correct minor errors in the Map or the legal descriptions.

(C) AVAILABILITY.—The Map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) REVERSION.—

(A) IN GENERAL.—If any parcel of land conveyed under paragraph (1) ceases to be used for the purposes described in paragraph (2), the land shall, at the discretion of the Secretary based on the determination of the Secretary of the best interests of the United States, revert to the United States.

(B) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines under subparagraph (A) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the City or the County, as applicable, shall be responsible for remediation of the contamination.

(5) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

(g) COORDINATION WITH UNITS OF LOCAL GOVERNMENT.—The Secretary shall coordinate with units of local government, including the County commission and the City, in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1610.3-1 of title 43, Code of Federal Regulations (or a successor regulation) in—

(1) developing the management plan;

(2) prioritizing implementation of project-level activities under the management plan;

(3) developing activities that implement the management plan; and

(4) carrying out any other activities under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SA 4227.** Mr. RISCH (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SECURING ENERGY INFRASTRUCTURE.**

Section 5726 of division E of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 6 U.S.C. 189 note) is amended—

(1) in subsection (a)(2)—

(A) by striking “means an entity” and inserting the following: “means—

“(A) an”;

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(B) a manufacturer of critical digital components in industrial control systems.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2-year” and inserting “4-year”;

(B) in paragraph (1), by striking “(including critical component manufacturers in the supply chain)”;

(3) in subsection (d), by striking paragraph (2) and inserting the following:

“(2) UPDATED REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall update the report submitted under paragraph (1) and submit the updated report to the appropriate congressional committees.”;

(4) in subsection (h)—

(A) in paragraph (1), by striking “\$10,000,000” and inserting “\$20,000,000”; and

(B) in paragraph (2), by striking “\$1,500,000” and inserting “\$3,000,000”.

**SA 4228.** Mr. RISCH (for himself, Mr. HOEVEN, Mrs. CAPITO, Mr. CRAPO, Mr. KENNEDY, Ms. CORTEZ MASTO, Ms. MURKOWSKI, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

“(11) UNDERPERFORMING STATE.—The term ‘underperforming State’ means a State participating in the SBIR or STTR program that has been calculated by the Administrator to be one of 26 States receiving the fewest SBIR and STTR first phase awards (as described in paragraphs (4) and (6), respectively, of section 9(e)).”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (iii), by striking “and” at the end;

(II) in clause (iv), by striking the period at the end and inserting “; and”;

(III) by adding at the end the following:

“(v) to prioritize applicants located in an underperforming State.”;

(B) in paragraph (2)(B)(vi)—

(i) in subclause (II), by striking “and” at the end; and

(ii) by adding at the end the following:

“(IV) located in an underperforming State; and”;

(C) in paragraph (3), by striking “Not more than one proposal” and inserting “There is no limit on the number of proposals that”;

(D) by adding at the end the following: